

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF FEDERAL COMMUNICATIONS)	
COMMISSION’S TRIENNIAL REVIEW ORDER)	CASE NO.
REGARDING UNBUNDLING REQUIREMENTS)	2003-00379
FOR INDIVIDUAL NETWORK ELEMENTS)	

CONFIDENTIALITY PETITION
PURSUANT TO 807 KAR 5:001 SECTION 7

Petitioner, AT&T Communications of the South Central States, LLC, (“AT&T”) hereby moves the Public Service Commission of Kentucky (the “Commission”), pursuant to KRS 61.878 and KAR 5:001, Section 7, to classify as confidential certain portions of AT&T’s filing on February 11, 2004, specifically Mark Van De Water’s direct testimony at pages 7, 8 and 50.

The Kentucky Open Records Act exempts certain commercial information from the public disclosure requirements of the Act. KRS 61.878(1)(c)1. To qualify for this commercial information exemption and, therefore, protect the information as confidential, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors and the parties seeking confidentiality if openly discussed. KRS 61.878(1)(c)1; 807 KAR 5:001, Section 7. The Commission has taken the position that the statute and rules require the party to demonstrate actual competition and the likelihood of competitive injury if the information is disclosed.

The Commission should grant confidential treatment to the information so designated for the following reasons:

- (1) The information for which AT&T is requesting confidential treatment is not known outside of AT&T or was obtained from BellSouth pursuant to a confidentiality agreement;
 - (2) The information is not disseminated within AT&T and is known only by those AT&T employees who have a legitimate business need to know and act upon the information;
 - (3) AT&T seeks to preserve the confidentiality of this information through all appropriate means, including the maintenance of appropriate security at its offices; and
 - (4) By granting AT&T's petition, there would be no damage to any public interest.
- For these reasons, the Commission should grant AT&T's request for confidential treatment of certain portions of AT&T's direct testimony as set forth herein.

Respectfully submitted this the 11th day of February, 2004.

C-Kent Hatfield by MR-B

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